

# **Exhibit A**

to  
**Webb Declaration**

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to  
**Webb Declaration**

**In The Matter Of:**

*CRAGO, INC., et al.*

*v.*

*CHUNGHWA PICTURE TUBES, LTD.*

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***PROCEEDINGS - Vol. 1***

*August 24, 2010*

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In Re: CATHODE RAY TUBE (CRT) )

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Antitrust Litigation )

)

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CRAGO, INC., et al., )

)

No. 07-5944 SC

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Plaintiffs, )

MDL No. 1917

)

JAMS Reference

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vs. )

No. 1100054618

)

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CHUNGHWA PICTURE TUBES, LTD., )

)

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Defendants. )

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AUGUST 24, 2010

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JAMS

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Suite 1500

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San Francisco, California

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Before the Honorable Charles A. Legge (Ret.)

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Reported by: Karen Friedman, CSR 5425

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1 that to be able to make any progress and to get started  
2 and talk about the subject of discovery regarding the  
3 CRT products.

4 Now, the plaintiffs have been successful in  
5 convincing me and convincing Judge Conti that CRT  
6 products are a subject of this litigation, as well as  
7 the CRTs themselves. But having crossed that pleading  
8 barrier successfully, the plaintiffs have still got the  
9 obligation to produce information. And what information  
10 do you have to support the claim that this conspiracy  
11 did involve CRT products.

12 Now, and I think you've got an obligation to  
13 come forward and say, "All right, here's the information  
14 we know now." That doesn't mean that you're going to  
15 get a summary judgment motion back from the defendants  
16 based upon nothing, by that affirmation, where you have  
17 had no chance to get discovery from defendants. I think  
18 this is an issue on which there has got to be discovery  
19 going both ways. And what bothers me about it is that  
20 it looks to me like that could be pretty much  
21 coextensive with the discovery on the rest of the case.  
22 It seems it's so interrelated that it's going to be hard  
23 to pull apart a document request pertaining to CRT  
24 products from one pertaining to the merits of conspiracy  
25 of CRT tubes.

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1           So I don't know quite what to do about it. I  
2   start with the premise that you're both entitled to  
3   discovery from the other on this issue. And that there  
4   isn't going to be any summary judgment motion to try to  
5   knock this cause of action out until there is a  
6   reasonable completion of discovery.

7           It doesn't have to be everything in the case,  
8   but a reasonable completion, so that both sides have  
9   adequate information. And I can see it to see if  
10   there's enough support, evidentiary support, not  
11   pleading support, but to support a claim with respect to  
12   CRT products.

13           So, what are your thoughts? I guess really  
14   it's defendants. You're the one who is asking, first of  
15   all, for the discovery against them.

16           MR. KESSLER: Jeff Kessler.

17           JUDGE LEGGE: By the way, let me interrupt one  
18   second. Three of these sign-up sheets have been  
19   returned to me. Is there anyone who has not signed the  
20   sign-in sheets? Okay. This will be it.

21           MR. KESSLER: Jeffrey Kessler. Your Honor, I  
22   think that there is much to what you've said.

23           JUDGE LEGGE: Comes now the "but."

24           MR. KESSLER: But the issue is a little more  
25   complicated, as it sometimes is here, so if I can try to



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1 think your Honor will be influenced by what this case is  
2 really about; which is what I think they'll argue in the  
3 contention arguments.

4 MR. SIMMONS: Ian Simmons for Samsung  
5 Electronics.

6 I was just going to make a point you have in  
7 there that there are some defendants that do both and  
8 some defendants that do one but not the other. So I  
9 would underscore that, and I would also underscore, from  
10 my perspective, we're meeting-and-conferring with the  
11 other side. My discussions with the other side thus  
12 far, as I represent entities that are only on the  
13 finished product side -- we're not tube makers -- my  
14 discussions are ongoing. So I don't think we should be  
15 putting all this before you; my discussions thus far  
16 have not been any kind of subject matter limitations,  
17 but custodians.

18 JUDGE LEGGE: The question is where the stuff  
19 is.

20 MR. SIMMONS: Whatever, the subject is CRT  
21 products, There's different, defendants are different  
22 stripes, different flavors. So what I'm trying to  
23 impress upon you, your Honor, I know you want the case  
24 to move forward. You've got a limited stay in effect  
25 until November.

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1 markets -- tubes, probably, but in foreign markets,  
2 without an impact on the United States. You see, that's  
3 a genuine dividing line that's very important. I agree  
4 that they should not be contesting the production of a  
5 document that's relevant to an American sale just  
6 because it's located overseas.

7 On the other hand, they have a right to object  
8 to producing information that went to foreign countries  
9 that stayed in foreign countries.

10 MR. KESSLER: Your Honor has just stated  
11 exactly the position of my company, and I believe the  
12 position of all the defendants.

13 JUDGE LEGGE: It's not rocket science.

14 MR. SPECKS: The cases are legion. Intel case,  
15 and the Aspartane case.

16 JUDGE LEGGE: You may reject a particular case.  
17 But this is a case involving impact on a United States  
18 market.

19 MR. SPECKS: Absolutely, your Honor. But we  
20 allege international conspiracy, and under the  
21 appropriate case law, you're entitled to show the full  
22 range of the conspiracy. We allege a conspiracy that  
23 impacted not only the United States but various  
24 countries of the world.

25 JUDGE LEGGE: I see what you're saying. But

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1 to the second, which is the FTIAA, which is foreseeable,  
2 and is in the United States. And if we get to the point  
3 where we're talking about cutting off any discovery on  
4 FTIAA, we've got to be very careful.

5 JUDGE LEGGE: I understand what you're talking  
6 about. We've got to have a vocabulary. And the basic  
7 distinction, I believe, is if your conspiracy is  
8 alleging an impact on the United States, you get it. If  
9 all you can show is sale to a foreign market that stays  
10 in a foreign market, I've got trouble with it.

11 MR. KESSLER: Your Honor --

12 MR. SIMON: Jeff, excuse me. Can I make a last  
13 point. I just want to say, I've said this in other  
14 hearings, but again, it's not something any of us can  
15 decide on the fly. But these are vertically integrated  
16 companies, that have the tube manufacturer going down to  
17 the finished product manufacturer; most of them are.

18 JUDGE LEGGE: I was just going to say, that's  
19 not quite literally true.

20 MR. SIMON: Well, yes. Most of them are. They  
21 make the tube and they put it in their own finished  
22 product. And even if that tube is assembled in  
23 Malaysia, the finished product comes to the United  
24 States, just so you're clear on the plaintiffs'  
25 position, that's an impact on United States commerce.

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I, KAREN A. FRIEDMAN, a Certified Shorthand  
Reporter, hereby certify that the foregoing proceedings  
were taken in shorthand by me at the time and place  
therein stated, and that the said proceedings were  
thereafter reduced to typewriting, by computer, under my  
direction and supervision.

DATED: \_\_\_\_\_, 2010.

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KAREN A. FRIEDMAN, CSR 5425